

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

FILED

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U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY
DEPUTY

UNITED STATES OF AMERICA,

Plaintiff,

v.

CESAR CARLOS CASTANEDA,
aka Juan Castaneda, aka Cesar Esparza,
aka Juan Esparza,

Defendant.

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NO. EP:98-M-3257-MAT

**GOVERNMENT'S MOTION FOR LEAVE TO DISMISS THE COMPLAINT,
WITHOUT PREJUDICE, PURSUANT TO RULE 48(A) OF THE FEDERAL RULES OF
CRIMINAL PROCEDURE, AND TO QUASH THE ARREST WARRANT**

TO THE HONORABLE JUDGE OF SAID COURT:

The United States of America, by and through the United States Attorney for the Western District of Texas, files this Motion for Leave to Dismiss the Complaint, Without Prejudice, Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, and to Quash the Arrest Warrant, in the above entitled and numbered cause, and would respectfully show unto the Court the following:

On or about October 27, 1998, a Federal Bureau of Investigation (FBI) Special Agent filed a complaint in the Western District of Texas, El Paso Division, in the above numbered cause, in which the agent sought an arrest warrant for CESAR CARLOS CASTANEDA(Defendant). The basis for the arrest warrant was that the Defendant had an outstanding warrant by the State of Texas for failure to appear to answer a charge of Capital Murder, which was a violation of Title 18, U.S.C. Section 1073. On or about October 27, 1998, the Honorable Richard P. Mesa, United States Magistrate Judge, issued a warrant for the arrest of the Defendant, based on this complaint.

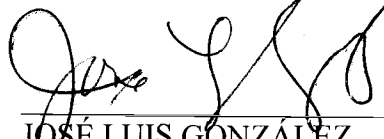
To date, the Defendant has not been apprehended and the warrant remains active. In light of the foregoing, the Government files this motion.

WHEREFORE, premises considered, the Government respectfully prays the Court grant its Motion for Leave to Dismiss the Complaint, Without Prejudice, Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, and to Quash the Arrest Warrant, in the above entitled and numbered cause.

Respectfully submitted,

RICHARD L. DURBIN, JR.
UNITED STATES ATTORNEY

By:



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